

County Mediation Matters

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Success never rests. On your worst days, be good. And on your best days, be great. And on every other day, get better.

*Carmen Mariano
Educator and Writer*

Scheduling Continuations

The only entity that is permitted to schedule the date of a continued mediation is the Clerk of the Court. Failure of parties to follow proper procedure very often results in additional unnecessary and time-consuming work for the clerk's office. We are aware that some parties steadfastly refuse to go through the procedure that has been dictated by the clerk, and that this places the mediator in a very difficult position. When faced with this situation, remove yourself completely from the responsibility for scheduling by observing the following protocol:

- Let the parties write in the date and time of the continuation if they so choose. The mediator should never write in this section of the form.

- Do not sign a Results of Mediation form if the parties have scheduled their continuation date without assistance from the clerk.

To reiterate, mediators must, must not be involved in the scheduling of dates for continued mediations. Bring your parties back to the Clerk!

June Stats

Volunteers mediated 60 cases in Alachua County in June and settled 63 percent. The outcome is pending in nine cases. Eleven cases were mediated in the neighboring counties, with agreements reached in six cases. Year-to-date, 390 cases

have been mediated in the circuit with an overall settlement rate of 65 percent. During the same period last year, the program mediated 389 cases throughout the circuit and had an overall settlement rate of 62 percent.

Opening Statement

The opening statement is more than just a formality. Rule 10.420(a) requires that:

"Upon commencement of the mediation session, a mediator shall describe the mediation process and the role of the mediator, and shall inform the mediation participants that:

(1) mediation is a consensual process;

(2) the mediator is an impartial facilitator without authority to impose a resolution or adjudicate any aspect of the dispute; and

(3) communications made during the process are confidential, except where disclosure is required by law."

In other words, **the opening statement must describe, at an absolute minimum, the mediation process, the mediator's role, and confidentiality.** The omission of any of these three items is a clear breach of mediator ethics which unnecessarily exposes the mediator to potential sanctions should a grievance be filed.

Annual Conference

The DRC has arranged for a reduced registration fee for volunteer mediators attending the joint conference of the DRC and the Association for Conflict Resolution. These fees are: \$50 for the pre-conference institute on October 16th, \$50 for the half-day October 16th from 12:30 to 5:00 p.m., \$100 for all day Friday, October 17th, including the half-day Saturday, October 18th.

Also, the DRC has a contract with the Comfort Inn in Lake Buena Vista for a reduced lodging rate of \$39 plus tax. The Coronado Springs Resort is \$149 a night. Mediators will be receiving more detailed information regarding conference registration and lodging in the near future.

Important Dates

July 4 - Court Holiday - No Court
July 25 - No Court
October 15-18 - DRC/ACR Joint Conference, Coronado Springs Resort, Orlando

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If you are a person with a disability who needs any accommodation in order to participate in county mediation proceedings you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Administrator's Office by phone at (352) 337-6237 or in person or in writing at 201 E. University Ave, Gainesville FL 32601 within 2 working days of your receipt of this newsletter; if you are hearing impaired, call (800) 955-8771; if you are voice impaired, call (800) 955-8770.

Eighth Judicial Circuit County Mediation Program Results

June 2003

County	Cases Mediated	Written Agreements Reached	Percent Written Agreements	Continued Cases Pending	Continued Cases Defaulted
Alachua	60	32	63%	9	0
Baker	2	1	100%	1	0
Bradford	3	1	33%	0	0
Gilchrist	NA	NA	NA	0	0
Levy	4	2	50%	0	0
Union	2	2	100%	0	0
Total	71	38	62%	10	0

2003 Year-To-Date

January through June

County	Cases Mediated	Written Agreements Reached	Percent Written Agreements	Continued Cases Pending	Continued Cases Defaulted
Alachua	336	206	66%	23	3
Baker	7	5	83%	1	0
Bradford	16	8	50%	0	0
Gilchrist	3	2	67%	0	0
Levy	23	10	45%	1	0
Union	5	5	100%	0	0
Total	390	236	65%	25	3

Note: Percent written agreements does not include continued cases that are pending.